

Andrew Walton ^{First Reason} Publix
Plaintiff VS Supermarts
Tony Roberts Ansley Mall
Grocery Mgr Atlanta, GA.
Case Number SEP 02 2011
FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta
JAMES N. HATTEN, Clerk
By: Shirley E/O Publix
Deputy Clerk P.O. Box 407
Lake Park, FL
1:11-CV-02766 CAP
Michele Shultz, J.C. Kouvasi
Store Mgr Assistant Mgr
TEENA Edward (Assistant CSM)
Customer Service (Meka Durochi)
Mgr
Heda (Alexis Headline)
Customer Service (Customer Team)
Staff Leader
United States District
Court Atlanta, GA.

*After
EEC Charge NO!*

complaint shall have the following sections. First, ~~he~~ **SHALL** identify the parties in his lawsuit, the case number, and whether he seeks a jury trial. Second, Plaintiff's amended complaint **SHALL** contain an introduction in which Plaintiff explains why he is bringing this lawsuit. For instance, he may explain that he has suffered from age discrimination and retaliation in violation of the ADEA. Third, Plaintiff **SHALL** list the employment decisions that he is complaining about, the dates that these decisions were made, and why he believes that these decisions were based on his age and/or in retaliation for filing his August 11, 2011, EEOC charge of discrimination. In providing this information, Plaintiff **SHALL** follow the instructions above about pleading his age discrimination and retaliation claims. Fourth, Plaintiff's amended complaint **SHALL** list what he seeks to recover from Publix. Fifth, Plaintiff **SHALL** sign and date his complaint as well as provide his current address and telephone number beneath his signature. Finally, after providing the above information, Plaintiff **SHALL** attach exhibits that he believes are relevant to his complaint, which may include his EEOC charge and his right to sue letter.

Third, Plaintiff **SHALL** provide page numbers for his amended complaint.

First: 111-cv-02766 CAP
(Michele Shultz)
Store Mgr
J.C. Kious
Assistant
Store
Mgr

Teena Edwards
Customer Service
Mgr

Melba
Duloch
Assistant
Customer
Service
Mgr

Alexis Hendrix
Customer Team
Leader

Freda
Customer Service
Staff

Walton, selects a Jury trial
because he feels his chances
are better of winning
the case, and being awarded
to win. And Walton
8/30/11

~~Second~~ Reason

I Walton is bringing this
Lawsuit before the court
because I've been Harressed
Accused of bodily odor,
TEENA Edwards, Customer
Service mgr. J.C. Kiousai
Assistant ^{store} mgr. Michele
Shult ^{by another customer} ~~mgr.~~ too much Cologne
All over the store, suspensions
for NO doing! ^{wrong} seat Home
Lost of pay!! Emory Midtown
Hospital Examine Walton
NO NO body abnormality, Falsely
Accused about jerking a baby
Cart!! ^{by Meka Deloch assistant customer service rep} And call Stupid Front
of customers, and accusing
of starring ^{by Alex Hendrix} at customers
by Treida
Customer service
staff

Second Reason 44

3rd Man Tony Roberts, Grocery near
Complains about odor
and told ~~he~~ to buy some
cologne and deodorant
and the result from store
MGR SHUTZ, Lost of
Pay & suspensions, and
TEENA Edwards don't
come up on me
quote Edwards, also
Edwards staff members
lie to state COL about
lack of hours, because I
was going to school

second. 1:11-CV-02766-CAP

Walton suffered from age
discrimination and retaliation
violation on the ADEA.

Walton was accused by Shultz
about Mildew odor, then
secondly Walton was accused
by Edwards body odor, we
can't keep you working like

this, thank you, EEOC Complaint

toward Edwards, worth
too much cologne, suspension
resulted in loss of wages,
disputed Roberts instructed

him to, Brown mgr. Walton
is treated differently than others,
more productive, more efficient
etc, work less, thanks to George
Dept of Labor

Second Reason

Walton, feels he has suffered
Unfairness, suspensions, Hostility,
Poor Elevations, despite being
the best productive & efficient
Worker in his Dept, Walton
gets treated differently than
an ONE!! NO accurate
Credibility, During your elevations)
You fail to improve find some
ONE else!! (Corp. James ^{Wants} (H-R)
You fail to go out the way
Walton try to be the best
Employee in his Dept., I believe
Because of Age, Because most
of them or younger, they work
Less, Less productive, and get
treated better, I worked every
Minute ON the clock!! Georgia
Dept of Labor can witness that on
North Druid Hills Atlanta, 111-11-02766
CAP

Additional Second, Walton has
had and ~~currently~~ two EEOC
Charges and one EEOC

Complaint at Ansley Mall
OF Publix Supermkt's, Under
My Recollections Under Title
VII Civil Rights Act of
1964, No person should not be
discriminate because of Race
Age, Creed or National origin,
Walton believe he has been
discriminate because of Age

For Examples: CSM-teen
Edwards excused me, tell
the customer excused me, tell
the customer about age
Don't tell the customer its hot
Never tell the customer its hot
Fail to go out the
Fail to improve, fail to go out the
Way for customers

ETVutions
James Fort
H.R.

1.11-cv-02766 CAP

to another, Also Walton
Recollect we got our
dividend check the
same day Walton was
treated unfairly!! June 1, 2011
Bottom line, Walton ^{by Fred A. L.}
has experience unfairness ^{customer service dept}
Treated wronging for NO
Reason, False accusations
Suspensions, Hostile envir
onment, Walton deserves
some kind of Belief
Walton has to rolled up his
Sleeves, ^{ment} 2011 Walton cant over extend ^{vs}
August 10, Michele Shultz ^{cant}
suspended Walton verbally of ^{young}
Having too much cologne, with the ^{group}
Result lost wages, and doing ^{can}
1:11-CV-02766 cap ^{nothing wrong?}

Corpi Acknowledge these
Statements - James Faatz
Publix Supermarkets March 2011

P.O. Box
Lake Land, FL, also the
store Brohahaven!! CSM
Lydate, denied Walton transfer
At Peach 282, store mgr Stan
Miller acknowledge!!!

Under two mgrs, Shultz
& Barkowski, Walton has been
false accused of Body odor
by J.C. Kiousa, hersay by another
customers ^{Aug. 16, 2011} Toco Hills of North
Druid Hills Walton has been
denied a transfer, or promotions,
Walton transfer from Olgethrope
in 2007 with an EEOC
Charge!!! pending!!!
11-CV-02766
CASE NO: CAP

Walton is probably the
Most productive writer
in that Dept, Edwards

Repeatedly have asked Walton
try to get a transfer, Walton
has made efforts but
both denials, Peach, &
New Brohaver of Chamblee
& ^{to Co Hills} Walton has verbally been
accused by Shultz store
mgr about being sensitive
to customers, you'll be
sent home!!

Aug. 16, Grady Memorial
Hospital, Class Room Instructor
acknowledge unfairness from his
employer, the Endoscopic
class
111-cv-02766 CAP

(Additional) (Second)

the state

Georgia Dept of Labor

Observed & acknowledge

Unfairness toward

Walton, Walton went

through the process,

And Pull away after

^{Investigate} H&S Employer told them

tiller that Due to Walton's

Lack of H&S, Because

He was going to

School. Walton

For Federal June 7, 07 North
Druid
H&S
Atlanta

2011 Appeal, Walton

didn't want to move

forward

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CAP

Second Reason

Aug. 18, 2011

Watson acknowledge
TAMMY Taylor of H.R.
FW Orlando, FL, 1-407-856-2301
About the Filing and
About store Mgr
Shultz (incident) Watson
also acknowledge Shultz
about the Court Filing
& she didn't give a
damn what I think
about odor, when we
& her stood before Judge,
then she Shultz let
Watson Return to work."
1:11-CV-02766 CAP

(Second Reason)

The Reason Walton Brought
forth ^{Additional} Retaliation to the
EEBC Investigator Green,
And to the Court, After
the Charge was brought to
the store, a week later, ^{on} Aug.
16, 2011 Walton had requested
a certain schedule for Endiscope
Walton didn't get it so he
went alone with Edwards,
so the same day!! he went to
Endiscope, J.C. Kioussai, falsely
accused of body odor by Hearsay
from another customer, and later
sent Home!! Lost of pay by
Shultz ^{night}
1:11 CU- 02766 cap

3rd Person

1111- CV-02766-CAP)

Edwards (CSM) falsely accused
Walton of Body odor, the same
day) Customers denied) Aug, 3 2011

J, C Kioussas (tue) Aug. 16, 2011
falsely accused Walton of body
odor Hearsay from another
customer

Aug 16 - 2011
Public opinions
(Emergency Police Station) 911
Pharmacy Tech (Result)

Moise of target 211
Police Officer (Alexander) opinion
ON Body Odor - (Civil issues)
Citizen Con Val agent Transfer try
Home no odor

Walton third Reason 1:11-CV-02766 CAP
is Complaining about
Door Elevations since 3/20/11
Michele Shultz & TEENA
Store mgr Edwards
Customer
Service mgr
Feb 2011 Aug. 2011
Edwards & Shultz TENEVE
At Ashley Mall (Shultz
Store mgr)
Elevations is based on your
Work performances keeping your
Job, Keeping your Apparel neat
& Clean, Pay Raises etc. about
body odor by Edwards, ^{Aug. 3, 2011} M. Ideo
by Shultz, Walton haven't raised
a Raise in two yrs but good
Elevations, Walton also acknowledge
Shultz about Court Filing & Tammy
Taylor of Human Resources of
Orlando, FL that she didn't
give a damn what I think, when
you being sensitive to customers
1) Aug. 17, 2011

when you and Her stand
In front of Judge!! Quote
Shultz Mr!! Ashley
Walton has get treated (different
than others And
from his apparel, Walton
has to wear dress 4/20/11
shoes, Walton has to make
sure his Uniform are Professional
Clean!!! Shoes shines
(Groceries with two people) bagging area!!
Walton gets treated different than
any one in His Dept. with
the exception of Robert Brown
Front Service Clerk 530 or 54 (age)
Robert Brown get treated better!!
Along with the younger co/workers
Age and less productive
Walton get treated
Worse!!

(2)

11/11 - CV-02766 (AP)

GEORGIA DEPARTMENT OF LABOR
CLAIMS EXAMINER'S DETERMINATIONSSN ***-**-8679
BYB 04/01/11
CWB 04/24/11CAREER CENTER
3400
NORTH METRO
2943 NORTH DRUID HILLS RD
ATLANTA, GEORGIA 30329
FAX # (404) 679-1713*Third Reason*
7000
Belief
of Age

CLAIMANT ANDREW WALTON PO BOX 14625 ATLANTA GA 30324	EMPLOYER PUBLIX SUPER MARKETS ATTN: PERSONNEL DEPARTMENT P O BOX 407 LAKELAND FL 33802
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SECTION I - CLAIM DETERMINATION

Not eligible as of 04/24/11.

SECTION II - LEGAL BASIS FOR DETERMINATION

Section 34-8-47 of the Employment Security law explains the term "unemployment." You are unemployed during a week if you do not perform any work. If you work less than full time during a week, you can also be considered "unemployed." Your earnings over \$50.00 are subtracted from your weekly benefit amount. If any of your weekly benefit amount remains, you are considered unemployed. If you work on commission only, you are considered employed full time regardless of hours.

SECTION III - REASONING

Your employer hired you to work part-time. Your entire claim is based on wages from this employer. You are still working part-time as agreed. Therefore, you are not unemployed. Since you are not unemployed, you cannot draw unemployment benefits. If you separate from your job later, you may reapply for benefits.

(Ed Woods (SM) and her staff members, told Investigator Miller, Repres that the reason he was had a lack of

SECTION IV - ACCOUNT CHARGEABILITY

NOTICE TO EMPLOYER:

(Hours, Because of school) Walker exhibit presented (unfair) by Harwood, (Court

SECTION V - APPEAL RIGHTS

NOTE: This determination will become final unless you file an appeal on or before 06/03/11. If you file an appeal you must continue to report on your claim as instructed, or you will not be paid if you win your appeal. Refer to the Claimant Handbook booklet or contact an office of the Georgia Department of Labor for more details.

Walton has Made Efforts
to Transfer

Brohaver Store
CSM → Damien James
Assoc CSM - LA 6347 Faints
Publly Acknowledg
P.O. Box
Atlanta, GA

(2) to CO Hills
Post charge npt. leads
Linda Walker
Publly

3. Peach Credit Recene 1-863-688
e-Mail Lyndale 1188

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(4) SUSAN Faith associated
Relations Specialists has
Acknowledge Walton's Report
about transfer in the past

(3)

11-CV-02766

CAP

(Fred A) (Wednesday) July
2011, ~~TEENA~~ Want you to clean
Restrooms, walton acknowledge
Have you did them yet)
Rochelle former employee
acknowledge, she's waiting
she waiting!!! ~~July 18, 2011~~

In front of several ²⁰July 2011
customers, (Freda
staff) customer service
accused Walton of stuffing
at other customers, Michele
store mgr. acknowledge!!
Her man is Bagger!!!

2011) Alexis Hendrix IN ①
March! customers she called
front of 2 stupid in change places
Walton Rapidly from one check
stand

ATL Division
Store # 0599 CS
Attn: Andrew Walton

PUBLIX SUPER MARKETS, INC.
Corporate Office
P.O. Box 407
Lakeland, Florida 33802-0407
863.688.1188
publix.com

Publix.

1111-CV 02766 CAR

Dear Associate,

Maintaining food safety isn't only good for our personal health, our customers expect it from us. And, it isn't just one department's or one person's responsibility. It takes each of us being knowledgeable and aware of food safety procedures to maintain safe, high-quality food for ourselves and our customers.

As we enter National Food Safety Education Month, it's an important reminder to follow food safety rules and regulations and apply them at work and practice them at home. Keep in mind safe food handling isn't just important in September; we should maintain a safe food handling environment every day.

Did you know our cut fruit comes from whole melons that are chilled overnight to lower temperatures? And once the fruit is cut, it's chilled again. Even before being sent to Publix, the fruit is washed after harvest so we receive clean, high-quality produce. These are important factors in maintaining food safety in products such as the Publix Fruit Salad I'm giving you with this month's coupon.

These are just a couple things Publix does to keep food safe in our produce departments. It's up to you to practice food safety procedures at work and at home. When you know you've handled food safely, you can be confident about what you're eating, and our customers will be too.

Thanks for all you do.



Todd Jones, President

11

(Shultz Mar)!!!

(While pushing the broom)
Shultz Said I don't
Want Know body
Making More Money
than me ~~???~~ Cologne
all over the store!! according to
Shultz
1:11-CV-02766 CAP

(13)
Shultz quote, Want NO
Dept Head take you
At any store; Aug 10/2011

Thirdly & Additional

(Elevations) (Corp) March 2011
False has copies James

(Apparel)
False

James
P.O. Box 407
Lakeland, FL
vs others don't

(Dress (Shoes) (Shine))

Retaliation Wasn't Filed
With EEOC, Corp hadn't

Received it, Aug. 11, 2011

my observations after charge
was filed on Aug. 11, 2011,

with the EEOC, J.C. Kioussai
assistant mgr

& Chevelle visitation and later
Jackson ^{pm} ^{de Leon} ^{of public} body odor

accused Walton of
Hear say by another customer!!

This happen Aug. 16, 2011, Edwards
the Day my Endiscope, Aug.
denied Walton, Request 16, 2011 (4)
1:11-cv-02766 CAP

Walton Lost wages Aug 11/11 - 02766 cap

16, 2011

Body odor J.C. Kinnard

(Apparel) Dress Shoes 4/20/11
(Shine) and pants be 7 qts
Neatly cut VS other corp
CO / workers It's different
4/10/11) the court Exhibit NO cell phones VS others CAN CSM

(Aug. 3) ²⁰¹¹ Teena Edwards
About 1pm Wednesday, Andrew
You smell, Didn't Michèle
talk to you about Mildew) damp
we can't keep you working
like this (no write up) verbally

(Aug. 2) ^{tuesday 2011} (MeKA) accused Walton
of Having my shirt open) customers
Walton went alone with it also
Jerking a baby cart? It
Kinda Trouble me. Because I know
I'm a better Person!! (5)

11/11-cv-02766cap

What 3rd Man Roberts
told him to do!!
all over the store, ^{cologne} white
Walton was pushing the
"Broom!!" (Aug 10, 2011)

Ansley / Publix @ JUST
Brought in a new
front service clerk!!
8/28/11 50 to 60 yrs Abold
Old

(Walton is the oldest
front service clerk)
with the exception
BROWN outside,
Pleaser, James
Smiths

Steven front service
clerk, quote, you can't elevation
get alone, Reference should
but Realistic edwards 077
(& on) you aren't doing it (6)
quote edwards, after March
Hardest worker at both locations elevation

Fourth Reason!!

Walton seeks a transfer
from Ansley along with
Public 107 Atlanta, GA
Cash (Or A total

~~Settlement for Retirement~~
From (Ansley
Public)

During suffering
Hostile
Case number
11-11-02766
11 CAP
Savoy Street
& Haversham
Public
Walton
8/31/11

(8)

(7th) Reason

Andrew Walter

P.O. Box 14625

Atlanta, GA

30324

404-398-2063

Andrew Walter 8/28/11

11-11-CV-02766
CAP

(9)

1:11-CV-02766 CAP

Despite being the same
age as Robert Brown or
a year younger, Walton
simply cannot do what
he does at work, the workers
hardest & most productive
worker, questions ²⁰⁰⁰ at ^{Ausley} ^{Mull}
charges of ^{one EEOC complaint} two or three
state updates with the
Co. Dept of Labor, Mostly
Went to Corporate Office, I
simply emphasize to James
Fruits ~~before~~ all this happens
We got suspensions, lost wages,
EEOC Charge, Court Filing etc.
Walton needs Relief!! (10)
Publix Super Market Inc.
Corporate Office (1-863-688-1188)
P.O. Box 407
Lake Wales, FL 33802-0407
Tammy Taylor, Orlando, FL 1-407-856-2307

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Mr. Andrew Walton
P. O. Box 14528
Atlanta, GA 30329

From: Atlanta District Office
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

410-2011-05081

Lucille Greene,
Investigator

(404) 562-6861

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

AUG 17 2011

Enclosures(s)

Bernice Williams-Kimbrough,
District Director

(Date Mailed)

cc: PUBLIX SUPER MARKETS
P. O. Box 407
Lakeland, FL 33802

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

410-2011-05081

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Andrew Walton

Home Phone (Incl. Area Code)

(770) 473-9502

Date of Birth

10-19-1958

Street Address

City, State and ZIP Code

P. O. Box 14528, Atlanta, Georgia 30324

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

PUBLIX SUPERMARKETS

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(404) 898-1850

Street Address

City, State and ZIP Code

1544 Piedmont Rd, Atlanta, GA 30394

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE

☐ COLOR

☐ SEX

☐ RELIGION

☐ NATIONAL ORIGIN

☐ RETALIATION

☒ AGE

☐ DISABILITY

☐ GENETIC INFORMATION

☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

04-26-2011

08-10-2011

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))

I began working for the above employer in October 2006, as a Bagger. My present position is Front End Clerk. I am being subjected to different terms and conditions of employment than my younger co-workers. On April 26, 2011, I received a written counseling regarding my appearance and personal hygiene. On August 10, 2011, I was suspended for three days.

Michelle Schultz, Store Manager, told me I was being suspended because I had on too much cologne.

I believe that I have been discriminated against because of my age (52), in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Aug 11, 2011

Date

Charging Party Signature

1:11-CV-02766 CAP

FILED IN CLERK'S OFFICE
USDC - Atlanta

SEP 02 2011

JAMES H. FAYTON, Clerk
By: *[Signature]*
Deputy Clerk

Andrew Walton
VS
(Publix Super mkt)

Under title VII, Walton
also would like to
have an attorney please
in qualified and its
Jurisdiction

29 U.S.C. § 621 *et seq.* ("ADEA"), because he was harassed, suspended, and the recipient of poor evaluations. The Court first resolves Plaintiff's IFP application before examining Plaintiff's complaint.

In Forma Pauperis Application

Plaintiff's application to proceed *in forma pauperis* asserts that Plaintiff is currently employed and is earning approximately \$800 per month. Plaintiff's spouse is unemployed, and Plaintiff indicates that she is a housewife. The couple has multiple checking accounts with a total balance of \$29.50. Plaintiff and his wife do not own any major assets such as a home or a car, but they have life insurance policies. They have \$710 in monthly expenses as follows: \$600 for rent; \$10 for utilities; and \$100 for food.

Plaintiff adds that he has been seeking full time work (presumably with Publix), but he has been denied a transfer or promotion for the past five years. *with the exception of Publix*

The Court "may authorize the commencement . . . of any suit, action, or proceeding . . . without payment of fees and costs or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner^[2] possesses that the person is unable to pay such fees or give security therefor." 28 U.S.C.

² Although Congress used the word "prisoner" here, Section 1915 applies to non-prisoner indigent litigants as well as prisoners. *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1306 n.1 (11th Cir. 2004).

1:11-cv-02766 CAP
Transfer from Olgethrop
to Ansley, in 2007, but has
suffered pain, unfairness, harassment at
Ansley

A. Walton Has been Employee
with Publix Supermarkets
for almost 5 yrs. He started
His Career At Olgethrope in
Dunwoody Oct. 21, 2006

And later Transfer to Ansley
Mall after an EEOC Charge
He has been denied a transfer
from a ^{Publix} Ansley and a promotion
to full time status, Despite

having an EEOC Charge pending at
Olgethrope Fw, Dunwoody, GA

111-CV-02766-EP

Later Transfer
to Ansley Mall of
Publix Supermarkets

Witness Result of Body
odor False accusation!!
(Civil Issues) Alexander
try to get a transfer!!! Police Officer
Moise, Pharmacy tech
(Citizen) Convalescent
Home

E Mary Midtown
Hospital No body
abnormality

Grady Memorial
Hospital
Class Room
acknowledge
UNfairness

1:11-cv-02766-cap

Case 1:11-cv-02766-CP
Walton
VS
Publix!!

FILED IN CLERK'S OFFICE
USDC Atlanta

SEP 02 2011

JAMES N. JEN, Clerk
By: *[Signature]*

Deputy Clerk

U.S. District Court

NINA Gaines has acknowledge
Most of these statements
Past & present associate
Relation at store
599 Ansley Mall
Atlanta, GA.

It is not clear, however, about what specific actions he complains.⁴ As a result, Plaintiff **SHALL** clearly identify in his amended complaint the employment decisions that he is complaining about and the dates that these decisions were made.

Plaintiff states that he suffered age discrimination, but he does not explain why he believes that these employment decisions were made because of his age.⁵ As a result, Plaintiff **SHALL** explain why he believes each employment decision was made because of his age.

VA
18
B. Retaliation

Plaintiff also appears to bring retaliation claims based on his filing of the August 11, 2011, EEOC charge.⁶ (See Complaint in Doc. 1-1 at 18). It is unclear,

Elevation Corp
disputed
Luke Lind
⁴ Plaintiff's EEOC charge identifies only two employment decisions: (1) an April 26, 2011, written counseling; and (2) an August 10, 2011, three-day suspension. It is not clear, however, if Plaintiff's civil action seeks to raise additional employment discrimination claims based on other employment decisions. As a result, the Court seeks clarification from Plaintiff.

Walton, observation after sent Home
His EEOC charge, which is attached to the complaint, generally states that he was "subjected to different terms and conditions of employment than [his] younger co-workers," and that he "believe[s] that [he has] been discriminated against because of [his] age."

⁶ Plaintiff's EEOC charge did not raise retaliation claims. Ordinarily, a plaintiff must exhaust his administrative remedies before bringing ADEA retaliation claims. See *Bost v. Federal Express Corp.*, 372 F.3d 1233, 1238 (11th Cir. 2004); *Dowlatpanah v. Wellstar Douglas Hosp.*, No. 1:05-cv-2752-WSD-RGV, 2006 WL

Outside, Honest in
Plaintiff believes he suffered
Age discrimination because
of Age, the reason I Believe
Mover is expected from Me,
Walton is Mover productive
than younger peers other than
the exception of Robert Brown
53 or 54 or Walton gets treated
worse than others as he explain
to EEOC complaint, Walton
can not do things, like others
can do, "Walton can't stand
around, Walton can't play with
the others, co-workers, Walton can't
wear shoes, Walton can't dress
like ^{work} others, Walton can't Big
With two people at check stand

(Case 1:11-cv-02766 cap)
Walton don't take Break
unless off the clock

(Retaliation) Walton Behene
Retaliation came twice
from (Shultz) suspension
and (J.C. Kiouski) body odor,
Shultz & Edwards had
knowledge of EEOC
Complaint then Aug. 3, 2011
2011, then the Aug. 11, 2011.
If turn into a charge, less
than a week Aug. 16, 2011
J.C. has twice accused
Walton of Body odor
by another customer assistant
store mgr. My observation
(Stearns, Shultz & Barkowski)
Both Negs of Publicity

Case 1:11-CV-02766-cap

SEP 02 2011

JAMES H. [unclear] Clerk
By: [Signature] Deputy Clerk

Andrew Walton
vs
(Publix Super Mkts)
1:11-cv-02766 CAP

Walton is Requested
an Attorney Please Under
Title VII (02 1964) (If proven)

(Brought in 8/28/11 abd)
(50-60yrs - with the exception) of
Robert Browal 53, But get
Treated worse than him &
Younger CO/War time, despite
being more productive
& initiative 8/31/11 A. Walton

INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes.

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

(EEOC Charge) Endoscope
however, what employment decisions Plaintiff believes were made in retaliation for the EEOC charge. As a result, Plaintiff **SHALL** (1) identify the specific employment decisions that he believes were made in retaliation for filing the August 13, 2011, EEOC charge, (2) identify the dates that these employment decisions were made, (3) identify the individual who made the employment decisions, and (4) explain why this decisionmaker knew about Plaintiff's EEOC charge of discrimination.

Robert Edwards
11/1/11
File
Reopen
C. General Matters

Besides these pleading deficiencies, Plaintiff's complaint complains other problems that must be remedied. First, his complaint provides documents listing his Social Security number. Plaintiff **SHALL** erase his Social Security number from any document that he files with his amended complaint.

Second, Plaintiff's complaint is difficult to read. If possible, Plaintiff should type his complaint instead of handwriting it. If Plaintiff does not have access to a computer, he **SHALL** clearly handwrite the allegations in his complaint. This

4093123, *11 n.12 (N.D. Ga. Dec. 5, 2006), *adopted by* 2007 WL 639875 (N.D. Ga. Feb 26, 2007). However, a party need not file another EEOC charge where he alleges retaliation as a result of the filing of an EEOC charge. *See Baker v. Buckeye Cellulose Corp.*, 856 F.2d 167, 168-69 (11th Cir. 1988) (citing *Gupta v. E. Texas State Univ.*, 654 F.2d 411 (5th Cir. Unit A Aug. 1981)). *But see Bennett v. Chatham County Sheriff Dep't*, 315 Fed. Appx. 152, 162 n.7 (11th Cir. Nov. 4, 2008) (indicating that *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002) may have altered this rule).

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CAP

11/1-CV-02766-cap

Identifying the dates that these
Employment (decisions)
March 2011 (Poor elevations)
(Miss Edward) Fail to improve
CSM Fail to go out
disputed the way,"

Reference James Taubert → H. R.
P.O. Box 407 Probably the
Lakeland, FL Most productive
front service
clerk in the
Dept.

April
Unfair (Shoes shines)
Professional cuffs) vs others
dont 4/20/11

(Retaliation) (Body odor) Edwards
Tony Roberts (Body odor) Colquhoun
Walter

Body odor acknowledge by Shultz
but presented by her assistant
Hidousai store mgr, she couldnt
Accept, sent Home

2011 7 complaints weekly (Invalid)
Aug 10, (Wont no body else take you Tawster)
Quote Shultz

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① Identifying the Individual
Who Made the Employment
Decisions) (J. C. Kioushi) Assistant
Store mgr accused Walton
of Askey Public Body odor
Under two Mgrs Past &
Current, Bar ^{with} Kouski & Shultz
by Another Customer ^{once at least 11}
Michele Shultz; Mildew odor)
Teena Edwards Body odor
Resulted EEOC Complaint)
Michele Shultz Suspensions) too
Much Cologne, Walton apologized
to the Court, He donot have
the skills for typewriter, or
Computer skills

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(Steps) I don't want no body making
more money than me (Shultz)
Employment Decision Making & Retaliation

(2) Aug. 10, 2011 Michele
Shultz Store Mgr. told me
While I was pushing the broom
I smell Cologne all over
the store, (Customers Complaining)
Later Suspend) Lost wages
Verbally 3 days Including N/A
(Witness heard & departed)
René, Customer team leader
Joe, Customer service staff
Mikko Customer service staff

(3) Hearsay from her assistant
store mgr. J.C. Kioussi about body odor
by another customer, Lost wages
Sent home Aug. 16, 2011.

(4) Michele was of charge at the
time was accused of body odor
by J.C. Kioussi, Hearsay by another
customer. 1:11-CV-02766 Cap

COLONOSCOPY INSTRUCTIONS

(You must have an escort to stay with you during the test/procedure)

Your a:

Date: 9/21/11 Day: Friday Time: 08³⁰ Arrive: 8⁰⁰

Floor: 2nd GI Clinic Phone number: 404-616-4358

What is a colonoscopy?

This is an examination of your lower bowel. The doctor will perform a rectal examination with his/her finger. Then he/she will insert a lighted tube like instrument in the rectum to transmit picture images of you entire colon on the television screen in order to inspect for diseases at the time of procedure, the physician may take biopsies of abnormal tissue or remove polyps (growths that may be a sign of cancer). The results obtained from this examination are highly dependant on your bowel being carefully cleansed and empty. An improperly prepared bowel may mean that the exam will have to be rescheduled another time. More importantly, stool left in your bowel can hide important conditions that may be present.

To Prepare for the exam you need to: Last Dose:

Stop all iron medication, aspirin, Motrin, Ibuprofen, Plavix, anti- platelets, and Metamucil or bulk forming agents at least **7 days** before the examination. You should continue all other medication unless the doctor tells you otherwise.

Stop Coumadin 5 days before the exam.

The Day Before The Procedure: Day: Thursday Date: 9/22/11

You should drink only clear liquids throughout the entire day, like:

- water
- apple and white grape juice
- 7UP, Sprite, Gingerale
- broth (chicken, beef, vegetable)
- tea
- Jelle (except no RED or GRAPE)
- lemonade
- popsicles (except no RED or GRAPE)

NO SOLID FOODS, NO MILK, NO COFFEE, NO RED OR GRAPE PRODUCTS.

At 4:00pm the day before your test, begin drinking the Golytely solution until the whole gallon jug is empty. You should be finished with all the Golytely by 8:00pm. Throughout the rest of the evening, you can continue the clear liquid diet. Do not drink anything after 12 o'clock midnight.

If you are Diabetic: The day before your procedure, you should drink only REGULAR drinks. NO DIET DRINKS. Take only half (1/2) of your normal dose of diabetic medication (insulin or tablets) and check you blood sugars more frequently. Do not take your diabetic medication on the day of your procedure.

If you are on Coumadin (Warfarin): Go to the Coumadin Clinic the morning of your procedure to have an INR drawn. Bring INR results to the GI Clinic.

Take your blood pressure or heart medicine with a small sip of water, the day of your procedure.

Handwritten notes:
 8:30 AM
 Friday 9/23/11
 Kool/Aid
 Pineapple Jello
 08:30
 9/23/11
 (Before test) no (medicine) procedure

Name: ANDREW WALTON MRN: CLH_001469

Follow Up With: Follow up with primary care provider

Where:

When: In 3 days 8/22/2011

Comments:

8/19/2011 @ 4AM

Patient was evaluated

@ Emory University Hospital Midtown ER.
and no body odor or abnormalities
noted. This is not considered a
medical problem. W Good - NRE

Tammy Taylor 1-407-856-2301

H/R Orlando, FL

(James Fauts)
Prior & after
a divorce
suspensions

Green Post Investigator

EEOC

James Fauts
Forester
State appeal
decision
After staff meeting
Lie and said
I was going
to school

Mrs. Miller

You got Body odor quote) falsely
(SM) teen Edwards) accused
JL Kimson falsely accused body odor
by two mgrs, Shultz & Barkowski
by other customers!! SU spent 1st
Crazy ng Home

Name: ANDREW WALTON
MRN: CLH_001469008

2 of 6

08/19/2011 03:27:18

(Tony Roberts) falsely
accused) Lead to
Limo sent

1:11-cv-02766-CAP

Walton

VS

Publix

United States

Jurisdiction Case
Obtain
Attorney

the facts as pleaded fail to state a claim for relief that is 'plausible on its face.' " *Leonard v. F.B.I.*, No. 10-12896, 2010 WL 5071835, *1 (11th Cir. Dec. 14, 2010) (quoting *Ashcroft v. Iqbal*, 556 U.S. ----, 129 S. Ct. 1937, 1949 (2009)). This means that "[t]he 'plaintiff's obligation to provide the 'grounds' of his 'entitlement to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.' " *Id.* (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

The Court concludes that it needs additional information before it can conduct the frivolity review. It appears that Plaintiff seeks to bring two causes of action: (1) a cause of action for age discrimination; and (2) a cause of action for retaliation. Plaintiff's complaint, as currently pleaded, is unclear, so the Court **DIRECTS** Plaintiff to file an amended complaint on or before Wednesday, September 14, 2011, that complies with the directions below.

A. *Age Discrimination*

Plaintiff appears to complain that he experienced age discrimination based on the following circumstances: (1) harassment; (2) suspensions; and (3) poor evaluations.

(Edwards) (CSM) has
asked Repeated two more
times to transfer
Walton has made efforts
Toco Hills, (Brohane)
Deach, (denied)

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Walton acknowledge
Serrano / EEOC Investigator
In his EEOC complaint
but Walton lost his
Documents, Corp. of Public
has these Documents about
Elevations, & About Parcel
Payment through Georgia
Dept of Labor, In Lakeland
FL, P.O. Box 407. Edwards
Staff told Tiller of G.O.L.
Due to Lack of Hrs. Walton
was going to school, which
was Invalid & not true,
Despite doing all the work
(Bulk of it) Volunteers &
Assignments, the Court exhibits
Walton Applied
In Dex cards 1
for parcel / payments / Three G.O.L.
of worth paid
\$7115, Whitney

Aug 17,
2011

Bill-CV 02766-CAP
After Walton being harassed
by Edwards

Steven, Associated Front services
Clerk, you'll can't get alone
Rocky cashier witness and Healy
Publix (Catalogue) Prior to
Suspension

Walton also Reported this to
Georgia Dept of Labor,
Tiller acknowledge, C.O.L. Investigator
Andrew International Blvd, Walton
also acknowledge, EEOC Investigator
Servano about C.O.L. During
his EEOC Complaints Aug 4, 2011
about Unfairness, & treatment he
has endure with Edwards, Edwards
staff members told C.O.L. Investigator
Tiller, due to the lack of Hours
Walton WAS Attending school

① Walton Acknowledge
Lyndal CSM 282 Peach
OF Publix, and Corp
has it in Lakeland, FL

② Walton Acknowledge
Damien CSM
Lasik OF Brohman
New store Chamblee
And letters & FAX to Brohman
New store

③ Walton Acknowledge
(CSM) Linda Walker
(Post CSM) ~~rebecca walker~~ (Lola)
about transfers (H&K)

111-CV-02766-CAP

3rd Mar 02 Store

Hartesment from (Roberts)

404 898-1850

Grocery Mgr
Ansley Mall
Publix

(Break Room)

Aug. Walton finished Break Room
2011 Tony walk into the Break
Room, Don't look good
Arron, witness

Aug. (Back Room) Andrew go
2011 around causing trouble!!
(Tony Roberts) (Grocery Mgr)

Aug. Andrew Buy some Colgate
10. & deodorant
2011 Edwards & Roberts

CSM Grocery
Acknowledge Lead to Walton's
Suspension Verbally by Shultz
Store March!!

1:11-cv-02766 (AP)
FAIL to improve

FAIL to go out the way for
Others

(Shoe shines)
Professional
CUTTS

Last 7 weeks, Harressed & Complaint
Best Bank Staff Members
of Sandy Springs, GA, acknowledge
Harressed & Unfairness

Charles Lake of Lake Law
Firm, acknowledge Watson's Unfairness
Harressed (payroll stubs) was
sent to his office Lenox Rd
Atlanta, GA, 404-521-1529

Corp of Lake Land, FL
also received Back Stubs
Despite doing most of the
work vs younger cc/workers
Robert Brown, Jr

① Cause 07, (Aug. 10 2011)
Age discrimination, Walton
believe he was truly discriminate
from Asley Publix, White Walton
was pushing the Broom,
Walton was verbally accused
by Shultz too much colgave
and its all over the store,
also Walton feels it was
unfair, and wrong doing by
Mgr Shultz for suspension 3 day
including N/A after 3rd
man Tony Roberts Broome
Mgr instructed him to
do so. Also Edwards (CSM)
had knowledge of discordant
& Colgave prior to suspension
Leaving Walton with lost
wages & NO Replacement

② Cause of Actions for Retaliation, Walton believe Edwards had knowledge of EEOC Complaint, Aug 10, 2011, Walton debate Shultz about too much Colgne in her office, she told Walton you'll be suspended for 3 days including a host wages Walton was also sent home, Hershey from assistant store mgr J. C. Kiousa, about body odor from another customer, on Aug 16, 2011 & returned on Aug. 17. Wednesday.

Addressed to
P.O. Box 14625

Atlanta, GA

AUG 26 2011

30304



FOREVER

Re: Enne:
(Papers)
Documents

United States
Norfolk Division
75 Spring St.
Atlanta, GA
30303

Entered by: John H. (for Volume)
 Comments Received: None
 Resolved by: John H. (for Volume)
 Date: 9/1/11
 Resolution: 5 for 11
 Resolved on: 5/1/11
5 for 11

~~BestBank~~
Brent T. Hargrett

BestBank is a division of Guaranty Bank
Member FDIC
Member NCUA
Member FDIC

BestBank

4920 Roswell Road

Atlanta, GA 30342

Main: (404) 843-1746

Fax: (404) 843-3657

Monday-Friday 10:00 A.M. - 07:00 P.M.

Saturday 10:00 A.M. - 05:00 P.M.

Sunday - Closed

www.bestbank.com

For questions about
your account please
contact our Customer
Service Center at
414-362-4636
or 1-800-235-4636.

Harvest moon Holiday
of the King
of the King